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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,207	01/22/2001	Steven F. Bierman	VINTL.087A	1175
20995	7590	07/11/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			SCHELL, LAURA C	
			ART UNIT	PAPER NUMBER
			3767	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/767,207		BIERMAN, STEVEN F.	
	Examiner		Art Unit	
	Laura C. Schell		3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-65 and 67-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-65, 67-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 51-55, 58-60, 63 and 66 is withdrawn in view of the newly discovered reference(s) to Utterberg (US Patent No. 5,047,021) and Watt (US Patent No. 4,150,673) and Bierman (US Patent No. 5578013). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 56, 57, 61, 62, 64, 65 and 67-71 is rejected under 35 U.S.C. 102(b) as being anticipated by Utterberg (US Patent No. 5,047,021). Utterberg discloses a connector fitting (Figs. 5-7) for releasably securing a medical line to an adaptor (Figs. 6 and 7, element 5) with a female portion, the fitting comprising: an elongated body (Fig. 4, 300) having a first section (near 312) and a second section (near 310) with a lumen through both sections, a proximal end portion (310) of the second section having a tapering outer shape configured for insertion into the female portion of the adapter (Figs. 6 and 7, adapter is element 5), and at least one radially extending member (Fig. 4, 312) disposed on the first section of the elongated body and having at least one contact surface (313); and a spin nut (Fig. 5, 320) comprising a generally tubular body slidably and rotatably disposed on the first section of the elongated body (Figs. 6 and 7),

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a screw thread (326) formed on an inner surface of the spin nut, the inner surface being disposed apart from the elongated body such that the screw thread does not engage with the elongated body (Figs. 6 and 7 disclose that the threads are not in contact with the elongated body, and furthermore, col. 6, lines 17-21 disclose that the threads (15) of element (5) are what engage with the threads (326) of the spin nut), and a receptacle (Fig. 5, 330) disposed distally upon the spin nut, the receptacle having at least one contact surface (332) disposed within the receptacle, the at least one contact surface configured and arranged to interact with the at least one contact surface of the radially extending member when the receptacle receives at least a portion of the radially extending member (Fig. 7), so as to transfer both axial and rotational forces between the spin nut and connector fitting while limiting distal longitudinal movement of the spin nut relative to the elongated body (col. 3, line 58 through col. 4, line 16), wherein the spin nut and the elongated body include cooperative structures that limit proximal longitudinal movement of the spin nut relative to the elongated body (Fig. 4, 308 and Fig. 5, 333).

Utterberg further discloses that the cooperative structures include a retaining ridge (308) disposed on the elongated body. Utterberg further discloses that the receptacle (330) has an internal cross-section that corresponds to the external cross-section of the radially extending member (312) see Figs. 6 and 7. Utterberg further discloses that the spin nut has a first cavity portion (Fig. 5, near 326) having a screw thread (326) and a second cavity portion (near 333). The first and second cavity portions are disposed on opposite ends of the spin nut, and the screw thread is

configured to secure the adapter (Figs. 6 and 7, element 5) and not the elongated body (col. 6, lines 17-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 54, 55, 59 and 60 rejected under 35 U.S.C. 103(a) as being unpatentable over Utterberg in view of Watt (US Patent No. 4,150,673). Utterberg discloses the device substantially as claimed except for the internal cross sections having star or hexagonal shapes. Watt, however, discloses a system of connector fittings in which the fittings' cross-sections have different shapes, such as a star shape (9e) and hexagonal shape (col. 2, line 4). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Utterberg with the different shaped cross-sections, as taught by Watt, in order to provide connector fittings that connect only to a perfectly matched fitting to prevent the wrong lines from being connected and thus preventing the wrong medicinal fluids from being mixed and causing detrimental chemical/drug reactions.

Claims 51-53, 58, 63 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utterberg in view of Bierman (US Patent No. 5,578,013). Utterberg discloses the device substantially as claimed except for the connector being used in combination with a retainer. Bierman, however, discloses a connector fitting (Fig. 11,

22c), a spin nut (Fig. 14, 220) both of which are used in combination with a retainer (Fig. 11, 20c). Bierman further discloses that the retainer has a channel that extends through the retainer along a longitudinal axis, and at least one slot (50c) which receives the at least one radial member of the connector fitting (Fig. 12) in order to secure the fitting of the retainer. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Utterberg with the retainer, as taught by Bierman, in order to provide an anchoring system for connector fittings which releasably connects the fittings the patient without the mess and possible area of accumulation of bacteria.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Schell whose telephone number is (571) 272-7881. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER

